

The Salisbury Planning Board held its regular meeting Tuesday, September 13, 2005, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Dr. Mark Beymer, Len Clark, Bryan Duncan, Lou Manning, Brian Miller, Sandy Reitz, Valarie Stewart, Albert Stout, Bryce Ulrich, Price Wagoner, Charlie Walters, and Diane Young

ABSENT: NONE

STAFF: Janet Gapen, Dan Mikkelson, Preston Mitchell, Joe Morris, Diana Moghrabi, David Phillips, and Lynn Raker

Chairman **Brian Miller** called the meeting to order. Diane Young offered the invocation. The minutes of the August 23, 2005 meeting were approved as published.

GROUP DEVELOPMENTS

NOTE: All group developments were approved with a 12-0 VOTE.

David Phillips, Zoning Administrator, presented each of the following cases.

A. G-10-05
City of Salisbury
1400 & 1402 W. Bank Street
Tax Map 005, Parcel 141, Zoning B-1

Mr. Keith Trawick, representative for the City of Salisbury, submitted the application for the construction of a new asphalt parking lot to include 96 parking spaces to be located at 1400 and 1402 W. Bank Street (Miller Center). All zoning criteria have been met. The Technical Review Committee (TRC) recommends approval to the City Council of the application, contingent upon the following provision:

1. A variance from City Council will be required for the third driveway.

There was some confusion about the location of the railroad right-of-way and the City's property line. Salisbury Parks and Recreation has made contact with the railroad to negotiate what can be done in the right-of-way. Along the back of the property where there is a question about the railroad property, staff has recommended an alternate method of compliance for the landscaping.

Public Comment: None

Board Discussion and Decision

Bryan Duncan is a coach at the Miller Center and they welcome the much-needed additional parking spaces. He made a MOTION to recommend to Council approval of G-10-05 as submitted. Lou Manning seconded the MOTION will all members VOTING AYE. (12-0)

B. G-11-05
Tilley Harley Davidson
653 Bendix Drive
Tax Map 070, Parcel 135, Zoning M-1

Mr. Michael Westcott, of Westcott Engineering, submitted the application for the construction of a 36,600 square foot commercial retail building to be located at 653 Bendix Drive. All zoning criteria have been met. The Technical Review Committee recommends approval to the City Council of the application, as submitted.

This business is relocating from East Innes Street. There will be two entrances off of Bendix Drive, 147 parking spaces; large piece of land in the rear is reserved for future development. There will be a service drive for semi-trucks to make deliveries which requires a large amount of asphalt.

They are meeting the landscaping requirements. Trees in the front will be set back due to the location of existing power lines. At staff's recommendation, they are proposing sidewalks along the front.

Public Comment:

Mr. Michael Westcott, 204 Pierce Dr, Jamestown, stated that staff made a good report and he was there to answer any questions.

Board Discussion and Decision:

Mr. Len Clark asked if there was any intention to have interconnectivity to Lowes and the shopping area at Innes Street Market. Mr. Dan Mikkelsen, City Engineer, explained that the dead end between the movie theater and Food Lion was part of the future of the City of Salisbury's thoroughfare plan and would improve connectivity.

Mr. Albert Stout felt staff had done a good job of presenting the site plan and appreciated the inclusion of the sidewalk. He made a MOTION to recommend approval of G-11-05 to City Council as submitted. The MOTION was seconded with all members voting AYE. (12-0)

C. G-09-03
The Gables at Kepley Farm
1900 Block Faith Road
Tax Map 403, Parcel 001, Zoning RDB

Mr. Jim Burgess, of Burgess and Associates, submitted the application to request adding the phase lines for Phases 2-6 of the previously approved subdivision located at the 1900 block of Faith Road. All zoning criteria have been met. The TRC recommends approval to the City Council of the application, as submitted.

Development of Phase 1a & b has begun.

Public Comment:

Mr. Jim Burgess, of Burgess and Associates, 125 Stoneridge Drive, wanted to get the rest of the phase lines approved so he would have that task completed. He would be happy to answer any questions.

Board Discussion and Decision:

Mr. Burgess will have one year to start construction of the next phase after completing construction of phase one; otherwise, he would have to return to the process again.

Dr. Mark Beymer stated that since this is an extension of what has already been approved and due to the logic of the presentation he supports it. He made a MOTION to recommend approval of G-09-03 to City Council as submitted. Mr. Lou Manning seconded the MOTION with all members voting AYE. (12-0)

D. G-05-05
Walgreens
1505 East Innes Street
Tax Map 059, Parcels 100, 067-01, 065, & 103,
Zoning B-6/w G-EI

Mr. Don Gibbs, of Greenhorne & Omara, Inc. submitted the application for the construction of a 4,820 square foot commercial retail building to be located at 1505 East Innes Street. All zoning criteria have been met. The TRC recommends approval of the application, contingent upon the following provisions:

1. Staff is concerned that the intent of 15.09-B 'Street Entrances' – "A primary entrance facade shall be oriented toward the street (Innes Street) to be designed for the pedestrian and be distinguishable from the rest of the building..." has not been met.
2. Staff is concerned that the intent of "pedestrian design" is being circumvented by the vehicular activity adjacent to East Innes Street. City Council will need to address whether or not the 'pedestrian orientation' is being met.
3. All approvals of this site plan are contingent on the closing of Cox Lane right-of-way.

This was formerly the familiar site of Shoney's and Pizza Hut.

This site plan is different from the site plans that usually are presented to Planning Board because it must adhere to the building standards, parking requirements, landscaping, and setbacks that are outlined in the Gateway-East Innes Street Overlay District.

Faith Road and East Innes Street are both state roads so there has been communication with NC DOT. There will be a deceleration lane coming to the property, which is right-in, right-out only and some type of median along East Innes Street. There will be full movement onto Faith Road with some additional striping. DOT has requested no requirement of street trees to help with the sight distance problem. Sixty-two parking spaces are proposed with interconnectivity with the existing Tilley's facility. One drive will be closed. There will be a 10-foot wide circulation drive for the drive-thru on East Innes Street.

The front of the building is supposed to be pedestrian oriented. Staff feels that the code is not being met to its full intent; there is too much vehicular traffic to be pedestrian friendly. Also, the code states that the primary entrance facade is to be oriented toward the street (East Innes Street) - to be designed for the pedestrian and to be distinguishable from the rest of the building. They will be using shade trees and not ornamentals to meet the landscaping code.

They have met the 40 percent window/glass requirement on all sides fronting on a street. The design includes towers and a colonnade.

Public Comment

Michael Kelley 1076 W. 4th Street Suite 100, Winston Salem, NC, stated that they had worked very hard with David Phillips and Dan Mikkelsen on this project. They pretty much reinvented Walgreens to make this project work for Salisbury. They also worked with NC DOT on the Faith Road access. They worked with and listened to council members Mark Lewis and Bill Burgin to understand the Gateway—East Innes Street Overlay District.

When it is finished, it will look sensational. It has two towers; it will be pedestrian friendly with the access underneath. The windows will contain historical displays that promote Salisbury as a historic community.

Staff has done a wonderful job and Mr. Kelley feels “they got it.” They hope to break ground after next week’s council meeting.

Board discussion and decision:

Mr. Miller reminded members of the planning board that this Walgreens site had been presented under a different plan and approved by them before.

Mr. Lou Manning had reservations about voting in favor because of the pedestrian situation. He described a personal incident where he walked in front of a car coming out of a drive-through. He recognized the configuration of the lot was difficult, but he liked the former design better than this one because of the traffic orientation. (There is a stamped-concrete pavement treatment in the plan to distinguish a pedestrian marking.)

Mr. Len Clark also preferred the previous site plan. The window treatment in this plan defeats the objective of requiring the windows so the interior of the store is visible. The window issue is not being enforced in the Gateway plan. The pedestrian issue does need to be further addressed. Mr. Clark does not believe that this end of the Gateway will ever be particularly pedestrian friendly or incur much in the way of pedestrian traffic; this end of the Gateway will be dominated by automobile traffic. He feels the developers “have done everything they can with what may not be the right rules for this area.”

Mrs. Sandy Reitz also preferred the previous plan and agreed with Mr. Clark and Mr. Manning about the pedestrian traffic being unsafe. Walgreens tried to address the concerns that they heard and recommends accepting this plan as presented today.

Ms. Valarie Stewart agreed with Mrs. Reitz and Mr. Clark—the developer has worked to comply with the Gateway Plan and she is ready to accept the plan as submitted.

Dr. Mark Beymer also preferred the previous plan; he supported that. He does not believe there are “fatal” flaws in this plan. This is a workable plan but not as aesthetically appealing to him as the other plan.

Mrs. Diane Young commented on the amount of glass and thanked the developer for incorporating the glass and working to meet that requirement. There are situations where looking inside is not appropriate. She feels this is a creative solution.

Mr. Bryan Duncan felt the developer was very reasonable in trying to comply with the requirements; there is no panacea. He will support this plan.

Mr. Albert Stout did not have anything new to add; he agreed with what had already been said.

Mr. Brian Miller stated that the developer had been put in a difficult situation with the unique nature of this property. No other property in this Gateway will be affected the way this one has, with essentially public streets on three sides. He applauded the effort they put into this to make it work. He was in support of the original plan and has wanted to salvage this plan for a long time.

Mr. Kelley clarified that the tower that was part of the pedestrian concern is not an entrance.

Mr. David Phillips stated that staff brings this to planning board with the consensus that this plan does not meet the intention of the code.

Mr. Len Clark made a MOTION to accept the site plan for G-05-05, Walgreens, 1505 East Innes Street as presented. Mr. Lou Manning seconded the MOTION with all members VOTING AYE. (12-0)

COMMITTEES

Mr. Preston Mitchell announced a request to convene Legislative Committee A to discuss a potential City-initiated zoning text amendment. The text amendment is regarding front lawn storage and parking of boats and trailers.

Monday, September 19, at 8 a.m. Legislative Committee A will meet in the first floor conference room at City Hall. Valarie Stewart will chair that committee.

OTHER BOARD BUSINESS

Chairman

Mr. Brian Miller let the board members know how much he appreciated the discussion on Walgreens. He wants to be sure that the board makes good decisions and everyone has an opportunity to speak. It is important to remember what the Gateway plan is trying to accomplish. A lot of time went into this case and into the ordinance in general. Staff does a good job interpreting the guidelines.

Other Board Members

Mrs. Sandy Reitz felt that the board had learned a great deal about the Gateway—East Innes Street Plan. It is important to adhere to the guidelines of the plan.

Staff


Mr. Preston Mitchell reminded the board that the Planning Board and then City Council adopted the Gateway—East Innes Street Plan; the board is charged with upholding the overlay. There is a difference in recommending intent and recommending approval of a plan based on “we believe he has gone through enough of a wringer.” The only variance to the code is obtained through the Zoning Board of Adjustment or through alternative methods of compliance, which has been granted to a specific committee.

In regard to justifying motions and resolutions, Roberts Rules of Order does not state there is a requirement to give justification for a motion. Mr. Mitchell may assist Planning Board in making a motion so motions will be consistent.

There being no further business to come before the Board, the meeting was adjourned at 5:10 p.m.


Brian Miller, Chairman


Lou Manning, Vice Chairman


Secretary, Diana Moghrabi